

REMARKS:**1. Introduction**

Claims 1-21 are pending.

2. Rejection based on 35 U.S.C. §103

Claims 1-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over MasRibes European Patent Application EP1132796 (hereinafter the “MR reference”) in view of Wildish et al. U.S. Pub. No. 20030212888 (hereinafter the “Wildish reference”).

In the rejection, the Office Action states that the MR reference teaches “permission data storage means for storing permission data indicating permissible behavior for an application,” citing the RRL certificate. Specifically, the Office Action states that the RRL certificate includes a validity period, which is used to determine the validity of the certificate and determine whether the mobile code can still be executed.

Applicants present amended claims 1 and 10-12 to further define the use of the permission data. For example, claim 1 recites:

an execution control unit configured to:

permit the executing unit to execute the software when, on the basis of a result of the check carried out by the checking unit, the permission data are determined to be valid, and when, on the basis of the permission data, that the software to be executed is determined to include permissible behavior, and;

not permit the executing unit to execute the software when, on the basis of the result of the check executed by the checking unit, the permission data are determined to be invalid or when, on the basis of the permission data, that the software to be executed is determined not to include permissible behavior.

See also claims 10-12. As shown in the above-limitations, the permission data is used to determine whether the software includes permissible behavior. If the permission data is determined to be valid and if the permission data indicates permissible behavior of the software subject to execution, the execution control unit permits the execution unit to execute the software. Otherwise, the software is not executed.

This definition and use of the permission data is considerably different from the RRL certificate as taught in the MR reference. Specifically, the MR reference merely teaches a

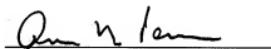
Response to Final Office Action Mailed February 5, 2008

validity period in the RRL certificate, which is used to determine the validity of the RRL certificate. However, the RRL certificate (and the validity period) do not teach or even suggest anything about the content of the code associated with the RRL certificate. And, the device in the MR reference does not use the RRL certificate (or the validity period) to determine whether the content of the code includes permissible or impermissible behavior. Therefore, the claims as currently presented are patentable over the cited references.

3. Conclusion

The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



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